

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWELFTH DAY OF DECEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 26441 of 2005

Between:

Syed Sha Ali Husani

..... PETITIONER

AND

The Government of A.P. rep by its Secretary

Revenue Department, Secretariat Buildings

Hyderabad and 2 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the 2nd respondent in not receiving the document and registering the same in respect of the agricultural land in Sy.No.171 to an extent of Ac.2.08 guntas situated at Kongara Khurd-A village, Maheshwaram Mandal, Ranga Reddy District, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Revenue.

The petitioner submits that he is the owner of the land mentioned in the writ petition and he has been in continuous possession and enjoyment of the said property. The petitioner wanted to sell the said property in favour of third parties, but the 2nd respondent is refusing to register sale deed, on the ground that the District Revenue Officer and District Wakf Officer, Ranga Reddy District, by his letter dated 04.09.2004, requested the 2nd respondent not to register any sale transactions in respect of survey numbers mentioned in the enclosed list in the interest of Wakf institutions and property. Several survey numbers, including the petitioner's survey No.171 to an extent of Ac.2.08 guntas, have been mentioned in the enclosed list.

It is further stated that Survey Nos.7 and 8 were also mentioned in the said Annexure-I. When a similar refusal was made in respect of Survey Nos.7 and 8, a writ petition was filed in W.P.No.23545/2005 on the file of this Court and in that writ petition, the learned Government Pleader for Revenue, after getting instructions, fairly submitted that there is no notification issued by the Government under Section 22-A(1) of the Registration Act, 1908, prohibiting the registration of documents. In the absence of such notification, the 2nd respondent cannot refuse to receive documents for registration. Therefore, the said writ petition was disposed of by this Court by order dated 09.11.2005, directing the

2nd respondent to receive and register the documents as and when presented for registration. In the instant case also it is stated that there is no notification issued by

the Government under Section 22-A(1) of the Registration Act.

Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition, with a direction to the

2nd respondent to receive the document of alienation, as and when presented for registration by the petitioner, and register the same, and for any reason if the document cannot be registered, the reason may be communicated to the petitioner, within a period of two weeks from the date of presentation of the said document.

With the above observations, the Writ Petition is disposed of. No order as to costs.

V.ESWARAIAH,J

Dated: 12.12.2005

Dsr

Note:

Issue CC in three days

B/o

Dsr